

Notice of Allowability

Application No.

10/028,172

Examiner

Bao Qun Li

Applicant(s)

TAKAHAMA ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed on 11/22/2006.
2. ☒ The allowed claim(s) is/are 31-39,41-43,51,55-57,59 and 61-70.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/850,328.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/22/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Bao Qun Li

RCE

A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission of RCE filed on Nov. /22/2006 has been entered and the RCE action follows:

Response to the Amendment

The amendment filed on 11/22/2006 has been acknowledged. Claims 31, 36-39, 59, 61 have been amended. New claims 69-70 have been added. Claims 1-30, 40, 44-50, 52-54, 60 have been canceled. Claims 31-39, 41-43, 51, 55-59, 61-70 are pending and considered before the examiner.

Terminal Disclaimers (TD)

1. The terminal disclaimers filed on 11/22/2006 have been reviewed and are accepted. The terminal disclaimers have been recorded, which effectively overcome the double patenting rejections over the US patent No. 6,379,886B1 and copending application SN. 11,126,662.
2. The rejection of 112 1st paragraph has been removed in view of applicants' amendment.
3. The Double patenting rejections have been withdrawn in view of the Terminal Disclaimers filed on October 06, 2006 and Nov. 22, 2006, which effectively overcome the double patenting issues.

Examiner's amendment

The application has been amended as follows:

1. Please insert the priority statement as the first sentence of the specification:
2. --- This application is a continuation application of US application SN, 08,850,328, filed on May 02, 1997, now patent No. 6,379,886B1, which claims foreign priority of Japanese patent application No. 1124442, filed on May 07, 1996. ----
3. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 1648

4. Claims 31-39, 41-43, 51, 55-59, 61-70 are allowed.

5. The following is an examiner's statement of reasons for allowance: The claimed inventions are directed to an unexpected result that applicants found in the mixed HCV antigens composition, the HCV antigen(s) required to be conjugated is only the small HCV antigen(s) with molecular weight less than 10,000, whereas the larger HCV antigen with molecular weight more than 10,000 needs not to be conjugated in order to get an improved immune response.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Qun Li

1/30/2007

Bruce Campell, SPE

AU 1648, TC 1600

BRUCE R. CAMPPELL, PH.D
SUPERVISORY PATENT EXAMINER
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